

By: Representative Dixon

To: Youth and Family Affairs

HOUSE BILL NO. 836  
(As Passed the House)

1 AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT WHEN A CHILD IS COMMITTED TO THE OAKLEY YOUTH  
3 DEVELOPMENT CENTER BY THE YOUTH COURT, THE CHILD SHALL BE IN THE  
4 PHYSICAL CUSTODY OF OAKLEY WITHIN FIVE BUSINESS DAYS OF THE  
5 COMMITTAL; TO REQUIRE OAKLEY STAFF TO UTILIZE THE MISSISSIPPI  
6 YOUTH COURT INFORMATION DELIVERY SYSTEM (MYCIDS) TO ASCERTAIN  
7 INFORMATION FOR A CHILD DURING THE ADMISSIONS PROCESS; TO REVISE  
8 THE MINIMUM AGE THAT A CHILD MAY BE COMMITTED TO OAKLEY OR ORDERED  
9 TO A JUVENILE DETENTION CENTER; TO AMEND SECTION 9-21-9,  
10 MISSISSIPPI CODE OF 1972, TO CONFORM WITH THE PRECEDING SECTION;  
11 TO AMEND SECTION 43-21-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
12 ANY PERSON ADMITTED TO THE PRACTICE OF LAW IN MISSISSIPPI TO  
13 OBSERVE YOUTH COURT HEARINGS AS LONG AS THE PERSON SIGNS AN OATH  
14 OF CONFIDENTIALITY; TO REQUIRE THE MISSISSIPPI JUDICIAL COLLEGE TO  
15 PREPARE THE OATH FOR YOUTH COURT; TO PROVIDE THAT IN ALL HEARINGS  
16 IN YOUTH COURT, A COMPLETE RECORD OF EVIDENCE SHALL BE TAKEN BY  
17 STENOGRAPHIC REPORTING; TO AMEND SECTION 43-21-261, MISSISSIPPI  
18 CODE OF 1972, TO REQUIRE YOUTH COURTS TO PROVIDE TO THE  
19 ADMINISTRATIVE OFFICE OF COURTS, ON A MONTHLY BASIS, CUMULATIVE  
20 DATA THAT PROVIDES CERTAIN NONIDENTIFYING INFORMATION PERTAINING  
21 TO CASES IN THE COURT; AND FOR RELATED PURPOSES.

22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

23 **SECTION 1.** Section 43-21-605, Mississippi Code of 1972, is  
24 amended as follows:

25 43-21-605. (1) In delinquency cases, the disposition order  
26 may include any of the following alternatives:

27 (a) Release the child without further action;



28           (b) Place the child in the custody of the parents, a  
29 relative or other persons subject to any conditions and  
30 limitations, including restitution, as the youth court may  
31 prescribe;

32           (c) Place the child on probation subject to any  
33 reasonable and appropriate conditions and limitations, including  
34 restitution, as the youth court may prescribe;

35           (d) Order terms of treatment calculated to assist the  
36 child and the child's parents or guardian which are within the  
37 ability of the parent or guardian to perform and which are not in  
38 conflict with a provider's determination of medical necessity;

39           (e) Order terms of supervision which may include  
40 participation in a constructive program of service or education or  
41 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
42 restitution not in excess of actual damages caused by the child to  
43 be paid out of his own assets or by performance of services  
44 acceptable to the victims and approved by the youth court and  
45 reasonably capable of performance within one (1) year;

46           (f) Suspend the child's driver's license by taking and  
47 keeping it in custody of the court for not more than one (1) year;

48           (g) Give legal custody of the child to any of the  
49 following:

50           (i) The Department of Human Services for  
51 appropriate placement; or



52 (ii) Any public or private organization,  
53 preferably community-based, able to assume the education, care and  
54 maintenance of the child, which has been found suitable by the  
55 court; or

56 (iii) The Division of Youth Services for placement  
57 in the least restrictive environment, except that no child under  
58 the age of \* \* \* twelve (12) years shall be committed to the state  
59 training school. Only a child who has been adjudicated delinquent  
60 for a felony may be committed to the training school. In the  
61 event a child is committed to the Oakley Youth Development Center  
62 by the court, the child shall be deemed to be committed to the  
63 custody of the Department of Human Services which may place the  
64 child in the Oakley Youth Development Center or another  
65 appropriate facility. If a child is ordered to the Oakley Youth  
66 Development Center, the child shall be placed in the physical  
67 custody of the training school within five (5) business days of  
68 the court's committal, unless Oakley staff provides written notice  
69 to the youth court, within the five (5) business days, that there  
70 are no available beds at Oakley Youth Development Center. In  
71 addition to the youth court's order, staff of the Oakley Youth  
72 Development Center shall utilize the Mississippi Youth Court  
73 Information Delivery System (MYCIDS) to ascertain information  
74 regarding the child during the admissions process.

75 The training school may retain custody of the child until the  
76 child's twentieth birthday but for no longer. When the child is



77 committed to the training school, the child shall remain in the  
78 legal custody of the training school until the child has made  
79 sufficient progress in treatment and rehabilitation and it is in  
80 the best interest of the child to release the child. However, the  
81 superintendent of the state training school, in consultation with  
82 the treatment team, may parole a child at any time he or she may  
83 deem it in the best interest and welfare of such child. Ten (10)  
84 business days before the parole, the training school shall notify  
85 the committing court of the pending release. This notice may be  
86 made in less than ten (10) days if Oakley Youth Development Center  
87 needs to manage population limitations. The youth court may then  
88 arrange subsequent placement after a reconvened disposition  
89 hearing, except that the youth court may not recommit the child to  
90 the training school or any other secure facility without an  
91 adjudication of a new offense or probation or parole violation.  
92 The Department of Human Services shall ensure that staffs create  
93 transition planning for youth leaving the facilities. Plans shall  
94 include providing the youth and his or her parents or guardian  
95 with copies of the youth's training school education and health  
96 records, information regarding the youth's home community,  
97 referrals to mental and counseling services when appropriate, and  
98 providing assistance in making initial appointments with community  
99 service providers. Before assigning the custody of any child to  
100 any private institution or agency, the youth court through its  
101 designee shall first inspect the physical facilities to determine



that they provide a reasonable standard of health and safety for the child. No child shall be placed in the custody of the state training school for a status offense or for contempt of or revocation of a status offense adjudication unless the child is contemporaneously adjudicated for having committed an act of delinquency that is not a status offense. A disposition order rendered under this subparagraph shall meet the following requirements:

1. The disposition is the least restrictive alternative appropriate to the best interest of the child and the community;

2. The disposition allows the child to be in reasonable proximity to the family home community of each child given the dispositional alternatives available and the best interest of the child and the state; and

3. The disposition order provides that the court has considered the medical, educational, vocational, social and psychological guidance, training, social education, counseling, substance abuse treatment and other rehabilitative services required by that child as determined by the court;

(h) Recommend to the child and the child's parents or guardian that the child attend and participate in the Youth Challenge Program under the Mississippi National Guard, as created in Section 43-27-203, subject to the selection of the child for the program by the National Guard; however, the child must



127 volunteer to participate in the program. The youth court shall  
128 not order any child to apply for or attend the program;

129           (i) Adjudicate the juvenile to the Statewide Juvenile  
130 Work Program if the program is established in the court's  
131 jurisdiction. The juvenile and his or her parents or guardians  
132 must sign a waiver of liability in order to participate in the  
133 work program. The judge will coordinate with the youth services  
134 counselors as to placing participants in the work program as  
135 follows:

136           (i) The severity of the crime, whether or not the  
137 juvenile is a repeat offender or is a felony offender will be  
138 taken into consideration by the judge when adjudicating a juvenile  
139 to the work program. The juveniles adjudicated to the work  
140 program will be supervised by police officers or reserve officers.  
141 The term of service will be from twenty-four (24) to one hundred  
142 twenty (120) hours of community service. A juvenile will work the  
143 hours to which he or she was adjudicated on the weekends during  
144 school and weekdays during the summer. Parents are responsible  
145 for a juvenile reporting for work. Noncompliance with an order to  
146 perform community service will result in a heavier adjudication.  
147 A juvenile may be adjudicated to the community service program  
148 only two (2) times;

149           (ii) The judge shall assess an additional fine on  
150 the juvenile which will be used to pay the costs of implementation  
151 of the program and to pay for supervision by police officers and



152 reserve officers. The amount of the fine will be based on the  
153 number of hours to which the juvenile has been adjudicated;

154 (j) Order the child to participate in a youth court  
155 work program as provided in Section 43-21-627;

156 (k) Order terms of house arrest under the intensive  
157 supervision program as created in Sections 47-5-1001 through  
158 47-5-1015. The Department of Human Services shall take bids for  
159 the placement of juveniles in the intensive supervision program.  
160 The Department of Human Services shall promulgate rules regarding  
161 the supervision of juveniles placed in the intensive supervision  
162 program. For each county there shall be seventy-five (75) slots  
163 created in the intensive supervision program for juveniles. Any  
164 youth ordered into the intensive home-based supervision program  
165 shall receive comprehensive strength-based needs assessments and  
166 individualized treatment plans. Based on the assessment, an  
167 individualized treatment plan shall be developed that defines the  
168 supervision and programming that is needed by a youth. The  
169 treatment plan shall be developed by a multidisciplinary team that  
170 includes the family of the youth whenever possible. The juvenile  
171 shall pay Ten Dollars (\$10.00) to offset the cost of administering  
172 the alcohol and drug test. The juvenile must attend school,  
173 alternative school or be in the process of working toward a High  
174 School Equivalency Diploma certificate;

175 (l) (i) Order the child into a juvenile detention  
176 center operated by the county or into a juvenile detention center



operated by any county with which the county in which the court is located has entered into a contract for the purpose of housing delinquents, except that a child under the age of twelve (12) years cannot be held in secure detention as a disposition. The time period for detention cannot exceed ninety (90) days, and any detention exceeding forty-five (45) days shall be administratively reviewed by the youth court no later than forty-five (45) days after the entry of the order. At that time the youth court counselor shall review the status of the youth in detention and shall report any concerns to the court. The youth court judge may order that the number of days specified in the detention order be served either throughout the week or on weekends only. No first-time nonviolent youth offender shall be committed to a detention center for a period in excess of ninety (90) days until all other options provided for in this section have been considered and the court makes a specific finding of fact by a preponderance of the evidence by assessing what is in the best rehabilitative interest of the child and the public safety of communities and that there is no reasonable alternative to a nonsecure setting and therefore commitment to a detention center is appropriate.

(ii) If a child is committed to a detention center for ninety (90) days, the disposition order shall meet the following requirements:





1. The disposition order is the least restrictive alternative appropriate to the best interest of the child and the community;

2. The disposition order allows the child to be in reasonable proximity to the family home community of each child given the dispositional alternatives available and the best interest of the child and the state; and

3. The disposition order provides that the court has considered the medical, educational, vocational, social and psychological guidance, training, social education, counseling, substance abuse treatment and other rehabilitative services required by that child as determined by the court;

(m) The judge may consider house arrest in an intensive supervision program as a reasonable prospect of rehabilitation within the juvenile justice system. The Department of Human Services shall promulgate rules regarding the supervision of juveniles placed in the intensive supervision program;

(n) Referral to A-team provided system of care services; or

(o) Place the child on electronic monitoring subject to any conditions and limitations as the youth court may prescribe.

(2) If a disposition order requires that a child miss school due to other placement, the youth court shall notify a child's school while maintaining the confidentiality of the youth court process. If a disposition order requires placement of a child in



a juvenile detention facility, the facility shall comply with the educational services and notification requirements of Section 43-21-321.

(3) In addition to any of the disposition alternatives authorized under subsection (1) of this section, the disposition order in any case in which the child is adjudicated delinquent for an offense under Section 63-11-30 shall include an order denying the driver's license and driving privileges of the child as required under Section 63-11-30(9).

(4) If the youth court places a child in \* \* \* the state-supported training school, the court may order the parents or guardians of the child and other persons living in the child's household to receive counseling and parenting classes for rehabilitative purposes while the child is in the legal custody of the training school. A youth court entering an order under this subsection (4) shall utilize appropriate services offered either at no cost or for a fee calculated on a sliding scale according to income unless the person ordered to participate elects to receive other counseling and classes acceptable to the court at the person's sole expense.

(5) Fines levied under this chapter shall be paid into the general fund of the county but, in those counties wherein the youth court is a branch of the municipal government, it shall be paid into the municipal treasury.



250 (6) Any institution or agency to which a child has been  
251 committed shall give to the youth court any information concerning  
252 the child as the youth court may at any time require.

253 (7) The youth court shall not place a child in another  
254 school district who has been expelled from a school district for  
255 the commission of a violent act. For the purpose of this  
256 subsection, "violent act" means any action which results in death  
257 or physical harm to another or an attempt to cause death or  
258 physical harm to another.

259 (8) The youth court may require drug testing as part of a  
260 disposition order. If a child tests positive, the court may  
261 require treatment, counseling and random testing, as it deems  
262 appropriate. The costs of such tests shall be paid by the parent,  
263 guardian or custodian of the child unless the court specifically  
264 finds that the parent, guardian or custodian is unable to pay.

265 (9) The Mississippi Department of Human Services, Division  
266 of Youth Services, shall operate and maintain services for youth  
267 adjudicated delinquent at the Oakley Youth Development Center.  
268 The program shall be designed for children committed to the  
269 training schools by the youth courts. The purpose of the program  
270 is to promote good citizenship, self-reliance, leadership and  
271 respect for constituted authority, teamwork, cognitive abilities  
272 and appreciation of our national heritage. The program must use  
273 evidenced-based practices and gender-specific programming and must  
274 develop an individualized and specific treatment plan for each



youth. The Division of Youth Services shall issue credit towards academic promotions and high school completion. The Division of Youth Services may award credits to each student who meets the requirements for a general education development certification. The Division of Youth Services must also provide to each special education eligible youth the services required by that youth's individualized education plan.

**SECTION 2.** Section 9-21-9, Mississippi Code of 1972, is amended as follows:

9-21-9. The Administrative Director of Courts shall have the following duties and authority with respect to all courts in addition to any other duties and responsibilities as may be properly assigned by the Supreme Court:

(a) To require the filing of reports, the collection and compilation of statistical data and other information on the judicial and financial operation of the courts and on the operation of other offices directly related to and serving the courts;

(b) To determine the state of the dockets and evaluate the practices and procedures of the courts and make recommendations concerning the number of judges and other personnel required for the efficient administration of justice;

(c) To prescribe uniform administrative and business methods, systems, forms and records to be used in the offices of the clerks of courts;



(d) To devise, promulgate and require the use of a uniform youth court case tracking system, including a youth court case filing form for filing with each individual youth court matter, to be utilized by the Administrative Office of Courts and the youth courts in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice systems; in support of the uniform case docketing system, the director shall require that all youth courts utilize the Mississippi Youth Court Information Delivery System (MYCIDS) as well as staff of the Oakley Youth Development Center as prescribed under Section 43-21-605;

(e) To develop, promulgate and require the use of a statewide docket numbering system to be utilized by the youth courts, which youth court docket numbers shall standardize and unify the numbering system by which youth court docket numbers are assigned, such that each docket number would, among other things, identify the county and year in which a particular youth court action was commenced;

(f) To develop, promulgate and require the use of uniform youth court orders and forms in all youth courts and youth court proceedings;

(g) To prepare and submit budget recommendations for state appropriations necessary for the maintenance and operation



of the judicial system and to authorize expenditures from funds appropriated for these purposes as permitted or authorized by law;

(h) To develop and implement personnel policies for nonjudicial personnel employed by the courts;

(i) To investigate, make recommendations concerning and assist in the securing of adequate physical accommodations for the judicial system;

(j) To procure, distribute, exchange, transfer and assign such equipment, books, forms and supplies as are acquired with state funds or grant funds or otherwise for the judicial system;

(k) To make recommendations for the improvement of the operations of the judicial system;

(l) To prepare and submit an annual report on the work of the judicial system to the Supreme Court;

(m) To take necessary steps in the collection of unpaid court costs, fines and forfeitures;

(n) To perform such additional administrative duties relating to the improvement of the administration of justice as may be assigned by the Supreme Court; and

(o) To promulgate standards, rules and regulations for computer and/or electronic filing and storage of all court records and court-related records maintained throughout the state in courts and in offices of circuit and chancery clerks.



349           **SECTION 3.** Section 43-21-203, Mississippi Code of 1972, is  
350 amended as follows:

351           43-21-203. (1) The youth court shall be in session at all  
352 times.

353           (2) All cases involving children shall be heard at any place  
354 the judge deems suitable but separately from the trial of cases  
355 involving adults.

356           (3) Hearings in all cases involving children shall be  
357 conducted without a jury and may be recessed from time to time.

358           (4) All hearings shall be conducted under such rules of  
359 evidence and rules of court as may comply with applicable  
360 constitutional standards.

361           (5) No proceeding by the youth court in cases involving  
362 children shall be a criminal proceeding but shall be entirely of a  
363 civil nature.

364           (6) The general public shall be excluded from the  
365 hearing \* \* \*. All persons admitted to the practice of law in  
366 Mississippi shall be permitted to observe youth court hearings,  
367 but all such persons, except those attorneys representing a party  
368 or a person found to have a direct interest in the cause, must  
369 sign an oath of confidentiality upon entering the courtroom  
370 affirming their understanding than no disclosure of any kind may  
371 be made regarding the identity of the parties of witnesses  
372 participating in the hearing and consenting to the authority of  
373 the court to impose sanctions, including a finding of contempt,



374 for any willful violation of the oath. The oath of  
375 confidentiality shall be prepared by the Mississippi Judicial  
376 College and distributed to all youth court judges. Youth court  
377 clerks shall maintain a file containing the signatures of all  
378 persons signing the oath. Otherwise, only those persons \* \* \* who  
379 are found by the youth court to have a direct interest in the  
380 cause or work of the youth court. Any person found by the youth  
381 court to have a direct interest in the cause shall have the right  
382 to appear and be represented by legal counsel.

383 (7) In all hearings \* \* \* a complete record of all evidence  
384 shall be taken by stenographic reporting, by mechanical or  
385 electronic device or by some combination thereof.

386 (8) The youth court may exclude the attendance of a child  
387 from a hearing in neglect and abuse cases with consent of the  
388 child's counsel. The youth court may exclude the attendance of a  
389 child from any portion of a disposition hearing that would be  
390 injurious to the best interest of the child in delinquency and  
391 children in need of supervision cases with consent of the child's  
392 counsel.

393 (9) All parties to a youth court cause shall have the right  
394 at any hearing in which an investigation, record or report is  
395 admitted in evidence:

396 (a) To subpoena, confront and examine the person who  
397 prepared or furnished data for the report; and





(b) To introduce evidence controverting the contents of the report.

(10) Except as provided by Section 43-21-561(5) or as otherwise provided by this chapter, the disposition of a child's cause or any evidence given in the youth court in any proceedings concerning the child shall not be admissible against the child in any case or proceeding in any court other than a youth court.

**SECTION 4.** Section 43-21-261, Mississippi Code of 1972, is amended as follows:

43-21-261. (1) Except as otherwise provided in this section, records involving children shall not be disclosed, other than to necessary staff of the youth court or a Court-Appointed Special Advocate (CASA) volunteer that may be assigned in an abuse and neglect case, except pursuant to an order of the youth court specifying the person or persons to whom the records may be disclosed, the extent of the records which may be disclosed and the purpose of the disclosure. Such court orders for disclosure shall be limited to those instances in which the youth court concludes, in its discretion, that disclosure is required for the best interests of the child, the public safety or the functioning of the youth court and then only to the following persons:

(a) The judge of another youth court or member of another youth court staff;

(b) The court of the parties in a child custody or adoption cause in another court;



423 (c) A judge of any other court or members of another  
424 court staff;

425 (d) Representatives of a public or private agency  
426 providing supervision or having custody of the child under order  
427 of the youth court;

428 (e) Any person engaged in a bona fide research purpose,  
429 provided that no information identifying the subject of the  
430 records shall be made available to the researcher unless it is  
431 absolutely essential to the research purpose and the judge gives  
432 prior written approval, and the child, through his or her  
433 representative, gives permission to release the information;

434 (f) The Mississippi Department of Employment Security,  
435 or its duly authorized representatives, for the purpose of a  
436 child's enrollment into the Job Corps Training Program as  
437 authorized by Title IV of the Comprehensive Employment Training  
438 Act of 1973 (29 USCS Section 923 et seq.). However, no records,  
439 reports, investigations or information derived therefrom  
440 pertaining to child abuse or neglect shall be disclosed;

441 (g) To any person pursuant to a finding by a judge of  
442 the youth court of compelling circumstances affecting the health,  
443 safety or well-being of a child and that such disclosure is in the  
444 best interests of the child or an adult who was formerly the  
445 subject of a youth court delinquency proceeding.

446 Law enforcement agencies may disclose information to the  
447 public concerning the taking of a child into custody for the



448 commission of a delinquent act without the necessity of an order  
449 from the youth court. The information released shall not identify  
450 the child or his address unless the information involves a child  
451 convicted as an adult.

452 (2) Any records involving children which are disclosed under  
453 an order of the youth court or pursuant to the terms of this  
454 section and the contents thereof shall be kept confidential by the  
455 person or agency to whom the record is disclosed unless otherwise  
456 provided in the order. Any further disclosure of any records  
457 involving children shall be made only under an order of the youth  
458 court as provided in this section.

459 (3) Upon request, the parent, guardian or custodian of the  
460 child who is the subject of a youth court cause or any attorney  
461 for such parent, guardian or custodian, shall have the right to  
462 inspect any record, report or investigation which is to be  
463 considered by the youth court at a hearing, except that the  
464 identity of the reporter shall not be released, nor the name of  
465 any other person where the person or agency making the information  
466 available finds that disclosure of the information would be likely  
467 to endanger the life or safety of such person. The attorney for  
468 the parent, guardian or custodian of the child, upon request,  
469 shall be provided a copy of any record, report or investigation,  
470 that is to be considered by the youth court at a hearing, but the  
471 identity of the reporter must be redacted and the name of any  
472 other person must also be redacted if the person or agency making



the information available finds that disclosure of the information would be likely to endanger the life, safety or well-being of the person. A record provided to the attorney under this section, must remain in the attorney's control and the attorney may not provide copies or access to another person or entity without prior consent of a court with appropriate jurisdiction.

(4) Upon request, the child who is the subject of a youth court cause shall have the right to have his counsel inspect and copy any record, report or investigation which is filed with the youth court or which is to be considered by the youth court at a hearing.

(5) (a) The youth court prosecutor or prosecutors, the county attorney, the district attorney, the youth court defender or defenders, or any attorney representing a child shall have the right to inspect and copy any law enforcement record involving children.

(b) The Department of Human Services shall disclose to a county prosecuting attorney or district attorney any and all records resulting from an investigation into suspected child abuse or neglect when the case has been referred by the Department of Human Services to the county prosecuting attorney or district attorney for criminal prosecution.

(c) Agency records made confidential under the provisions of this section may be disclosed to a court of competent jurisdiction.



498 (d) Records involving children shall be disclosed to  
499 the Division of Victim Compensation of the Office of the Attorney  
500 General upon the division's request without order of the youth  
501 court for purposes of determination of eligibility for victim  
502 compensation benefits.

503 (6) Information concerning an investigation into a report of  
504 child abuse or child neglect may be disclosed by the Department of  
505 Human Services without order of the youth court to any attorney,  
506 physician, dentist, intern, resident, nurse, psychologist, social  
507 worker, family protection worker, family protection specialist,  
508 child caregiver, minister, law enforcement officer, public or  
509 private school employee making that report pursuant to Section  
510 43-21-353(1) if the reporter has a continuing professional  
511 relationship with the child and a need for such information in  
512 order to protect or treat the child.

513 (7) Information concerning an investigation into a report of  
514 child abuse or child neglect may be disclosed without further  
515 order of the youth court to any interagency child abuse task force  
516 established in any county or municipality by order of the youth  
517 court of that county or municipality.

518 (8) Names and addresses of juveniles twice adjudicated as  
519 delinquent for an act which would be a felony if committed by an  
520 adult or for the unlawful possession of a firearm shall not be  
521 held confidential and shall be made available to the public.



522 (9) Names and addresses of juveniles adjudicated as  
523 delinquent for murder, manslaughter, burglary, arson, armed  
524 robbery, aggravated assault, any sex offense as defined in Section  
525 45-33-23, for any violation of Section 41-29-139(a)(1) or for any  
526 violation of Section 63-11-30, shall not be held confidential and  
527 shall be made available to the public.

528 (10) The judges of the circuit and county courts, and  
529 presentence investigators for the circuit courts, as provided in  
530 Section 47-7-9, shall have the right to inspect any youth court  
531 records of a person convicted of a crime for sentencing purposes  
532 only.

533 (11) The victim of an offense committed by a child who is  
534 the subject of a youth court cause shall have the right to be  
535 informed of the child's disposition by the youth court.

536 (12) A classification hearing officer of the State  
537 Department of Corrections, as provided in Section 47-5-103, shall  
538 have the right to inspect any youth court records, excluding abuse  
539 and neglect records, of any offender in the custody of the  
540 department who as a child or minor was a juvenile offender or was  
541 the subject of a youth court cause of action, and the State Parole  
542 Board, as provided in Section 47-7-17, shall have the right to  
543 inspect such records when the offender becomes eligible for  
544 parole.

545 (13) The youth court shall notify the Department of Public  
546 Safety of the name, and any other identifying information such



department may require, of any child who is adjudicated delinquent as a result of a violation of the Uniform Controlled Substances Law.

(14) The Administrative Office of Courts shall have the right to inspect any youth court records in order that the number of youthful offenders, abused, neglected, truant and dependent children, as well as children in need of special care and children in need of supervision, may be tracked with specificity through the youth court and adult justice system, and to utilize tracking forms for such purpose.

(15) Upon a request by a youth court, the Administrative Office of Courts shall disclose all information at its disposal concerning any previous youth court intakes alleging that a child was a delinquent child, child in need of supervision, child in need of special care, truant child, abused child or neglected child, as well as any previous youth court adjudications for the same and all dispositional information concerning a child who at the time of such request comes under the jurisdiction of the youth court making such request.

(16) The Administrative Office of Courts may, in its discretion, disclose to the Department of Public Safety any or all of the information involving children contained in the office's youth court data management system known as Mississippi Youth Court Information Delivery System or "MYCIDS."



571           (17) The youth courts of the state shall disclose to the  
572 Joint Legislative Committee on Performance Evaluation and  
573 Expenditure Review (PEER) any youth court records in order that  
574 the number of youthful offenders, abused, neglected, truant and  
575 dependent children, as well as children in need of special care  
576 and children in need of supervision, may be tracked with  
577 specificity through the youth court and adult justice system, and  
578 to utilize tracking forms for such purpose. The disclosure  
579 prescribed in this subsection shall not require a court order and  
580 shall be made in sortable, electronic format where possible. The  
581 PEER Committee may seek the assistance of the Administrative  
582 Office of Courts in seeking this information. The PEER Committee  
583 shall not disclose the identities of any youth who have been  
584 adjudicated in the youth courts of the state and shall only use  
585 the disclosed information for the purpose of monitoring the  
586 effectiveness and efficiency of programs established to assist  
587 adjudicated youth, and to ascertain the incidence of adjudicated  
588 youth who become adult offenders.

589           (18) In every case where an abuse or neglect allegation has  
590 been made, the confidentiality provisions of this section shall  
591 not apply to prohibit access to a child's records by any state  
592 regulatory agency, any state or local prosecutorial agency or law  
593 enforcement agency; however, no identifying information concerning  
594 the child in question may be released to the public by such agency  
595 except as otherwise provided herein.





596           (19) In every case where there is any indication or  
597 suggestion of either abuse or neglect and a child's physical  
598 condition is medically labeled as medically "serious" or  
599 "critical" or a child dies, the confidentiality provisions of this  
600 section shall not apply. In cases of child deaths, the following  
601 information may be released by the Mississippi Department of Human  
602 Services: (a) child's name; (b) address or location; (c)  
603 verification from the Department of Human Services of case status  
604 (no case or involvement, case exists, open or active case, case  
605 closed); (d) if a case exists, the type of report or case  
606 (physical abuse, neglect, etc.), date of intake(s) and  
607 investigation(s), and case disposition (substantiated or  
608 unsubstantiated). Notwithstanding the aforesaid, the  
609 confidentiality provisions of this section shall continue if there  
610 is a pending or planned investigation by any local, state or  
611 federal governmental agency or institution.

612           (20) Any member of a foster care review board designated by  
613 the Department of Human Services shall have the right to inspect  
614 youth court records relating to the abuse, neglect or child in  
615 need of supervision cases assigned to such member for review.

616           (21) Information concerning an investigation into a report  
617 of child abuse or child neglect may be disclosed without further  
618 order of the youth court in any administrative or due process  
619 hearing held, pursuant to Section 43-21-257, by the Department of



Human Services for individuals whose names will be placed on the central registry as substantiated perpetrators.

(22) For each Mississippi youth court, cumulative data shall be provided to the Administrative Office of Courts on a monthly basis disclosing the following:

(a) The total number of cases pending in the court;

(b) The number of children adjudicated delinquent each month;

(c) The total number of children placed in detention each month;

(d) The charges on which each adjudication of delinquency was rendered;

(e) The number of adjudications of abuse or neglect each month;

(f) The number of children removed from parental custody each month; and

(g) The number of children placed in the custody of the State of Mississippi each month.

No information identifying any party or witness in any youth court matter shall be included in any monthly data report provided to the Administrative Office of Courts. The Administrative Office of Courts shall compile monthly youth court reports and make them available to the public and the youth courts section of the Administrative Office of Courts website.



644           **SECTION 5.** This act shall take effect and be in force from  
645 and after July 1, 2019.

